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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,063	02/18/2005	Allan Kaye	540-551	5875
23117 7590 12/21/2007 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203			EXAMINER BONK, TERESA	
			ART UNIT 3725	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. **11**

10/525,063

Applicant(s)

KAYE, ALLAN

Examiner

Teresa M. Bonk

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/18/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in accordance with the Decision on Petition: Granted-in-part mailed on July 20, 2007.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

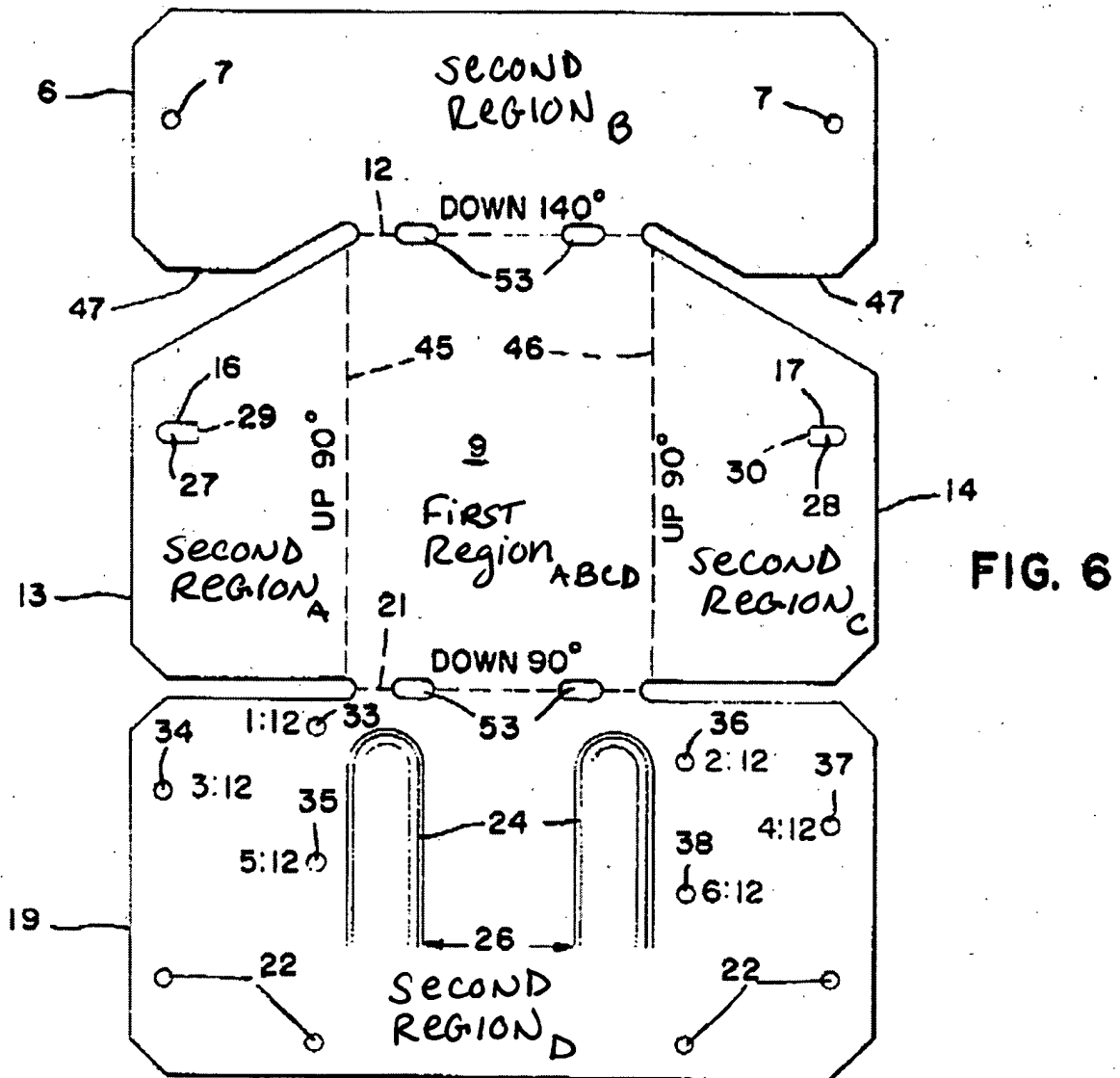
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilb et al. (US Patent 4,410,294), newly cited, in view of Fogg, III (US Patent 4,210,694), previously cited. Gilb et al. discloses a method of forming a bracket by cutting out a blank from a sheet of metal (Column 4, lines 28-30); the blank having a central portion including at least one fold line (12, 21, 45 or 46) defining first and second regions of the blank, the fold line extending only partially across the blank and creating non-folding portions of the blank at each end of the fold line (see attached Figure 6 on page 3 of this Office Action for designation of regions and non-folding portions). Then, using a forming tool (progressive die forming equipment and/or hammer) undertaking a bending operation to bend the central portion of said blank about the fold line only to create a predetermined angle between the first and second regions to form the required three-dimensional shape and then a further bending operation to bent the blank about a further fold line, Column 4, lines 30-39. Also, to create different values of a predetermined angle allowing different three-dimensional shaped brackets to be formed, Column 5, lines 34-37. The

Art Unit: 3725

fold line defines planar first and second regions of the bracket and after the bending operation the first region of the bracket extends either side of the plane of the second region of the bracket

(Figure 1).



Gilb et al. discloses the invention substantially as claimed except for the composite material and bending operation completed before the curing. Fogg, III discloses a method of making a laminated composite structural fitting wherein the bending is completed before the

Art Unit: 3725

curing operation, Column 4, lines 42-57. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the blank's material composition and the curing ability of this composition in order to provide a element with "high accuracy...good workability... (and) integrally hardened," Column 2, lines 10-55.

3. Claims 1-2, 4-5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilb et al. in view of Machida (US Patent 4,784,920), previously cited. Gilb et al. discloses the invention substantially as claimed except for the composite material the curing and bending operation are concurrent. Machida discloses a method of making a fiber-reinforced plastic composite plate wherein the curing and bending operation are concurrent, Column 4, lines 35-38. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to change the blank's material composition and the curing ability of this composition in order to create a structural fitting (bracket) that "has adequate strength to transfer the necessary loads with a minimum of weight... (with) low cost means of fabricating," Column 1, lines 55+ - Column 2, lines 1-22.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 and 10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and further show the state of the art: US Patent 2,894,303.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901.

The examiner can normally be reached on M-F 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3725

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Teresa M. Bonk
Examiner
Art Unit 3725



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
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